

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

DAVID CAMP and KEITH HADMACK; on  
behalf of themselves and all others similarly  
situation,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC. and BIMBO  
FOODS BAKERIES DISTRIBUTION, LLC,

Defendants.

Civil Action No. 1:18-CV-00378-SM

***ELECTRONICALLY FILED***

**DEFENDANTS' MOTION TO DISMISS NON-RESIDENT OPT-IN PLAINTIFFS**

Pursuant to Fed. R. Civ. P. 12(b)(2) and Local Rule 7.1, Defendants Bimbo Bakeries USA, Inc. and Bimbo Foods Bakeries Distribution, LLC (“Defendants”), by and through their undersigned counsel, hereby move to dismiss the claims of the twenty-two (22) non-resident opt-in plaintiffs (“Non-Resident Opt-In Plaintiffs”) identified in Exhibit A to the Memorandum of Law in Support of Defendants’ Motion to Dismiss Non-Resident Opt-In Plaintiffs (“Memorandum of Law”) filed herewith and incorporated herein. Specifically, as set forth in detail in Defendants’ supporting Memorandum of Law, this Court cannot exercise personal jurisdiction over Defendants with respect to the claims of the Non-Resident Opt-In Plaintiffs. Accordingly, the Court should dismiss the claims of the Non-Resident Opt-In Plaintiffs.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Defendants respectfully request oral argument on this Motion. Defendants believe that oral argument may assist the Court in evaluating the legal and factual issues raised by the motion. Oral argument will also permit the Court to ask the parties questions about their respective positions on the issues raised in the motion and assist the Court in ruling on the motion.

Because this is a dispositive motion, the concurrence of plaintiffs in the relief requested was not sought.

WHEREFORE, Defendants request that the Court:

- A. Dismiss the claims of the Non-Resident Opt-In Plaintiffs; and
- B. Grant such other and further relief as the Court deems just.

Dated: December 11, 2019

/s/ Michael J. Puma

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**CERTIFICATE OF SERVICE**

I, Michael J. Puma, hereby certify that on this 11<sup>th</sup> day of December, 2019, the foregoing Motion to Dismiss Non-Resident Opt-In Plaintiffs, as well as the supporting memorandum of law and declaration, was filed electronically through the ECF system, is available for viewing and downloading from the ECF system, will be sent electronically to counsel of record as registered participants identified on the Notice of Electronic Filing and via first class mail to all non-registered participants identified on the Notice of Electronic Filing.

/s/ Michael J. Puma  
Michael J. Puma